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A Professional Corporation for the Practice of Law

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April 22, 2016

William Gavin
Regional Administrator
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

ROBERT J. WILLERT
Executive Director
DELCORA
100 E 5th Street
Chester, PA 19013

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

John Quigley, Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Re: Denise M. Marusco Godfrey and Byron J. Godfrey, 310 10th Street, Upland, PA 19015. Violations of Clean Water Act, 33 U.S.C. § 1362(5).

Ladies and Gentlemen

I represent the Godfreys.

1. In April 1, 2004 or 2005, they saw water in the basement bathtub, and on the floor and in the heating room of their basement
2. During the period 2005-2010, my client did not use the bathtub or toilet in the basement and put plugs in the drains for both.

3. In July 2010 the road in front of the premises was damaged due to water pressure caused by underground infrastructure installed by DECORA as well as heavy rain.
4. Due to DELCORA's construction of storm water and sewage water systems, a watershed of 30 acres empties into a 3 acre area and put extremely high water pressure on the premises.
5. On August 14, 2011, water gushed like a fountain from manholes in the street in front of the premises.
6. In June 2013 there was brown muddy water in the bathroom and laundry room causing the Godfey's to remove over 12 shop vacs worth of water. The water was both storm water and sewage water. It tested and had high level of ammonia. In that month DMM spoke to Alex of Catania Engineering Associates who and he said DELCORA would have its pipes lined. On June 7, 2013 Thomas Kennedy was in the basement and called Parker Ferguson, Upland Borough's Building Inspector, and told him to call the Superintendant of Upland Chester Community Charter School, 1100 Main Street, Upland, to control waters coming down Main Street.
7. In July 2013, DELCORA lined sewer lines at, near and above-stream from the premises, raising the water table on and water pressure against the premises at times of heavy rain.
8. My clients consulted with at least 6 experts, all of whom said the problem was not with the Godfrey's system but with the infrastructure created by DELCORA. Each said the problem was backup pressure from water from the municipal storm and sanitary sewer systems.
9. On April 30, 2014, the manholes in the street in front of the premises were spewing storm water and sewage water like a fountain, and on May 1, 2014 the basement of the premises was completely covered with 2-3" of water.

10. My client put plugs in the lateral and in the toilet and bathtub to pipes into her basement as it has many times since 2004.
block storm sewer and raw sewage water from coming up through the
11. Experts consulted said nothing could be done on the premises to keep storm and sewage water from entering their basement and that the proper remedy was to install a pumping station and make structural changes to the systems outside the premises.
12. On June 30, 2015, 3 manholes in the street and sidewalk out in front of the premises spewed sewer water like a fountain.
13. My clients no longer use the bathtub or toilet in the basement since to do so increases the risk the valve will open beneath them allowing sewer and storm water to reenter the premises,
14. On November 13, 2014, Thomas Kennedy Upland Borough Plumber put an orange sign on the premises stating "This Building Cannot Be occupied As It Is and Is Considered Not Fit for Occupancy Until Conditions Were rectified.. Needs Lateral Inspection and CgO. Borough of Upland."
15. At a February 10, 2015 meeting of the Upland Borough Council, the Upland Borough Council condemned the premises.
16. In September 2013 construction was completed on a charter school at 11th and Main Street, Upland Borough, Upland, PA, upstream from and discharging groundwater onto the premises. Since it was constructed the problems with groundwater on the premises have significantly increased.
17. Sewer water has entered onto the premises owned by my clients also in June 2013 (§24), April 2004 or 2005 (§14), as well as on other occasions, and will recur in the future during times of heavy rain, as a direct result of the violations by DELCORA of the Clean Water Act, the CSO Policy and of the effluent limitation in its permit.

18. In United States, et al v. DELCORA, No 15-4652 (E.D.Pa. 2015), on November 10, 2015, DELCORA entered into a consent decree regarding violations of the Clean Water Act within Delaware County, admitting violations relevant to this matter.

19. On June 1, 2015 the Godfreys obtained appraisals to determine the value of the premises under two circumstances: 1) "as is" with the problems described above and 2) if it had no such problem. The appraisal indicated the value of the premises "as is" is zero since disclosing the history outlined above is required if the house is to be sold and no reasonable buyer will buy the premises. Without the problem, the value is \$157,000.

I am writing to request that **DELCORA** fix the problem as it affects my client's premises and request the EPA and Pa DEP to bring this about. If the problem is not fixed my clients will file suit in the United States District Court after 60 days have passed from the date of this letter for violations of the Clean Water Act and seek fines, injunctive and other relief under the act.

Please contact me. Send all correspondence to the Philadelphia address.

Respectfully,

A handwritten signature in blue ink that reads "Michael Considine". The signature is written in a cursive, flowing style.

J. Michael Considine, Jr.